

### REMARKS

In the above-identified Office Action the examiner rejected claims 1, 2, and 4-8 under 35 USC 102(e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over US 6,403,703 to Slone ("Slone").

Claims 1-2 are directed to an aqueous acrylic emulsion polymer of a selected composition, at least 40 wt% of which is formed by a particular redox emulsion polymerization. Claims 4-8 are directed to an aqueous coating composition including the aqueous acrylic emulsion polymerization.

#### 35 USC 102(e) REJECTION OF CLAIMS 1, 2, and 4-8

The examiner has rejected claims 1, 2, and 4-8 under 35 USC 102(e) as anticipated by Slone because Slone discloses aqueous dispersions based on acrylic emulsion polymers, useful in forming coating compositions, wherein the emulsion polymers include copolymerized nonionic (meth)acrylic monomer and acid monomer in an aqueous system optionally using a redox initiator system. Slone generically discloses the use of a chain transfer agent but Slone does not disclose polymerization in the presence of 0.001 to 0.05 moles chain transfer agent per kg dry polymer weight., the criticality of which is established in applicant's application.

Applicant respectfully submits that Slone does not disclose an emulsion polymerization formed at a pH of from 4 to 8. Nor are Slone's embodiments including a redox polymerization, Slone's Comparative Example C and Example 3 inherently formed at a pH of from 4 to 8 as is the subject of applicant's Declaration under 35 USC 1.132 attached hereto. Since Slone does not disclose each and every element of applicant's claims 1-2 and 4-8, applicant urges that his claims are not anticipated by Slone.

Applicant respectfully requests the examiner to withdraw her rejection of claims 1-2 and 4-8 over Slone under 35 USC 102(e).

35 USC 103(a) REJECTION OF CLAIMS 1-2 and 4-8

The examiner has rejected claims 1-2 and 4-8 under 35 USC 103(a) as obvious over Slone because Slone discloses as above. Applicant respectfully points out that Slone is not available as a 103(a) reference as per 35 USC 103(c). Applicants have provided a statement of common ownership in the following separately labeled section.

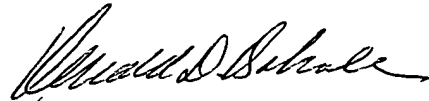
Applicant respectfully requests the examiner to withdraw her rejection of claims 1-2 and 4-8 over Slone under 35 USC 103(a).

STATEMENT CONCERNING COMMON OWNERSHIP OF SLONE AND  
THE PRESENT APPLICATION

The present patent application, Application No. 10/040,170, and Slone, US Patent No. 6,403,703, were, at the time the invention of the present patent application was made, owned by, or subject to an obligation of assignment to, the Rohm and Haas Company.

Applicant respectfully requests the examiner to pass his claims 1, 2, and 4-8 to allowance at this time. Applicant's agent is available in order to expedite the allowance of this case at 215-641-7822 or by FAX at 215-619-1918.

Respectfully Submitted,



Ronald D. Bakule

Agent for Applicant

Registration No. 32,681

Rohm and Haas Company

Independence Mall West

Philadelphia, PA 19106-2399

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